

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROMEO IXCOY PEREZ and ROMEO
SONTAY, individually and on behalf of
others similarly situated,

Plaintiffs,

-against-

MECHANICAL SERVICE CORP. OF NEW
YORK (D/B/A MECHANICAL SERVICE
CORP. OF NEW YORK), RALPH DEROSE,
and DOMENICK DEROSE,

Defendants.

ANALISA TORRES, District Judge:

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21 Civ. 2467 (AT)

ORDER

On March 22, 2021, Plaintiffs filed a complaint in this action. ECF No. 1. On March 25, 2021, Defendant Mechanical Service Corporation of New York was served with the summons and complaint. ECF No. 13. On May 5, 2021, Defendants Ralph and Domenick Derosé were served with the summons and complaint. ECF No. 14–15. Defendants, however, failed to file an answer or otherwise respond to the complaint by April 15, and May 26, 2021, respectively, as required by Federal Rule of Civil Procedure 12. *See* ECF Nos. 13–15. On August 19, 2021, the Clerk of Court entered certificates of default against Defendants. ECF Nos. 24–26.

On September 21, 2021, the Court issued an order directing Defendants to appear at a telephonic conference to show cause why the Court should not enter a default judgment against them. ECF No. 32. The Court subsequently adjourned the show cause hearing to January 24, 2022. ECF No. 40. Defendants were served with both orders through first-class mail, personal service, and for Defendant Mechanical Service Corporation of New York, through the Secretary of State. ECF Nos. 33, 39, 41–45, 48–50. Defendants failed to respond to the order to show cause by November 30, 2021, as directed by the Court. ECF No. 40.

The Court has reviewed Plaintiffs' motion for default judgment and supporting papers, ECF Nos. 30–31. Because proof of service has been filed, Defendants have not answered the complaint, the time for answering the complaint has expired, and Defendants failed to appear to contest entry of a default judgment for that purpose, Plaintiffs' motion for a default judgment against Defendants is GRANTED.

The Court, by separate order, shall commission an inquest into damages. The Clerk of Court is directed to STRIKE the entry at ECF No. 51.

SO ORDERED.

Dated: April 15, 2022
New York, New York



ANALISA TORRES
United States District Judge